IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 25TH JUNE 2007 / 4TH ASHADHA 1929

WP(C).No. 18429 of 2007(R)

PETITIONER:

K.V.MAMMUKUTTY, KULANGARA VEETTIL HOUSE,
PULLOONNI P.O., MANGALAM, TIRUR.

BY ADV. SRI.K.K.MOHAMED RAVUF

RESPONDENTS:

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1. THE SECRETARY,
REGIONAL TRANSPORT AUTHORITY,
KOZHIKODE.

2. T.SAJI, S/O.BHARATHAN, 24/1567C,
PANKAJ NIVAS, THANDARAKKAL HOUSE,
PAAPPARATH PARAMBU, KOZHIKODE.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 18429 OF 2007

DATED THIS THE 25th DAY OF JUNE, 2007

JUDGMENT

The petitioner seeks revision of his timings on the ground that on account of a new permit and timings issued to the 2nd respondent there is change of circumstances warranting such revision. The petitioner submits that his timings were settled as early as on 16.2.98.

2. I have heard the learned counsel for the petitioner as also the learned Government pleader. After hearing both sides, I am not satisfied that I can grant the prayer of the petitioner since the appropriate remedy available to the petitioner, if the timings in Ext.P2 comes in clash with the petitioner's timings, is to file a revision before the State Transport Appellate Tribunal. Of course, the petitioner would submit that he does not want to challenge Ext.P2 but only wants revision of his timings because of Ext.P2, which certainly is change of circumstance as contemplated under law. I do not agree with the contentions of the petitioner. The petitioner's contention is that the timings in Ext.P2 comes into clash with Ext.P1 timings of the petitioner. In such circumstances, the petitioner should have first objected to Ext.P1 timings and if the objections are not accepted, he

should have filed a revision. When a new operator comes into scene, normally the R.T.A. cannot settle the timings against the settled timings of the petitioner. Therefore, I am certainly of opinion that the petitioner's remedy lies in filing an appeal against Ext.P2 and not to seek revision of his timings on the ground of change of circumstance on account of Ext.P2. Therefore, without prejudice to the right of the petitioner to challenge Ext.P2 timings issued to the 2nd respondent, this writ petition is dismissed.

S. SIRI JAGAN, JUDGE

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